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7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke Probation
12 Against:

Case No. 2005-163

13 **LINDA L. SLOAN AKA LINDA DEMING**
5824 Pioneer Way
14 Sacramento, CA 95841

PETITION TO REVOKE
PROBATION

15 Registered Nurse License No. 335274

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Petition to
21 Revoke Probation solely in her official capacity as the Executive Officer of the Board of
22 Registered Nursing ("Board"), Department of Consumer Affairs.

23 2. On or about September 30, 1981, the Board issued Registered Nurse
24 License No. 335274 to Linda L. Sloan, also known as Linda Deming ("Respondent"). The
25 license will expire on July 31, 2009, unless renewed.

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1 **Prior Discipline**

2 3. Effective March 24, 2006, pursuant to the Decision and Order in
3 Accusation No. 2005-163, the Board revoked Respondent's Registered Nurse License No.
4 335274. However, the revocation was stayed and Respondent's license was placed on probation
5 for a period of five (5) years, with certain terms and conditions. A copy of the Decision and
6 Order in *In the Matter of the Accusation Against Linda [A.] Sloan*, Case No. 2005-163, is
7 attached as **Exhibit A** and is incorporated by reference.

8 **STATUTORY PROVISIONS**

9 4. Business and Professions Code ("Code") section 2750 provides, in
10 pertinent part, that the Board may discipline any licensee, including a licensee holding a
11 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code
12 section 2750) of the Nursing Practice Act.

13 5. Code section 118, subdivision (b), states:

14 The suspension, expiration, or forfeiture by operation of law of a license
15 issued by a board in the department, or its suspension, forfeiture, or cancellation
16 by order of the board or by order of a court of law, or its surrender without the
17 written consent of the board, shall not, during any period in which it may be
18 renewed, restored, reissued, or reinstated, deprive the board of its authority to
19 institute or continue a disciplinary proceeding against the licensee upon any
20 ground provided by law or to enter an order suspending or revoking the license or
21 otherwise taking disciplinary action against the licensee on any such ground.

19 6. Grounds exist for revoking the probation and reimposing revocation of
20 Respondent's Registered Nurse License No. 335274. Condition 12 of the Stipulated Settlement
21 and Disciplinary Order, Case No. 2005-163, states, in pertinent part:

22 **Violation of Probation.**

23 If Respondent violates the conditions of her probation, the Board after
24 giving Respondent notice and an opportunity to be heard, may set aside the stay
25 order and impose the stayed discipline (revocation/suspension) of Respondent's
26 license.

26 If during the period of probation, an accusation or petition to revoke
27 probation has been filed against Respondent's license or the Attorney General's
28 Office has been requested to prepare an accusation or petition to revoke probation
 against Respondent's license, the probationary period shall automatically be
 extended and shall not expire until the accusation or petition has been acted upon
 by the Board.

1 7. Respondent has violated the Disciplinary Order, as set forth in the
2 following paragraphs:

3 **FIRST CAUSE TO REVOKE PROBATION**

4 (Failure to Abstain from Alcohol Use)

5 8. At all times after the effective date of Respondent's probation,
6 Condition 16, states, in pertinent part:

7 **Abstain from Use of Psychotropic (Mood-Altering) Drugs.**

8 Respondent shall completely abstain from the possession, injection or
9 consumption by any route of all controlled substances and all psychotropic (mood
altering) drugs, including alcohol. . . .

10 9. Respondent's probation is subject to revocation because she failed to
11 completely abstain from alcohol. The circumstances are that Respondent drank alcohol from the
12 period in or around March 2007 to May 2007. Further, Respondent tested positive for alcohol in
13 random drug screenings on February 28, 2007, and January 19, 2007.

14 **SECOND CAUSE TO REVOKE PROBATION**

15 (Failure to Comply with Terms of Probation Program)

16 10. At all times after the effective date of Respondent's probation, Condition 2
17 states, in pertinent part:

18 **Comply with the Board's Probation Program.**

19 Respondent shall fully comply with the conditions of the Probation
20 Program established by the Board and cooperate with representatives of the Board
21 in its monitoring and investigation of the Respondent's compliance with the
Board's Probation Program.

22 11. Respondent's probation is subject to revocation in that she failed to
23 comply with Probation Condition 2, in that she failed the Board's Probation Program, by failing
24 to comply with Probation Condition No. 16, as more fully set forth in paragraph 9, above.

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1 **PRAYER**


2 **WHEREFORE**, Complainant requests that a hearing be held on the matters
3 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking the probation that was granted by the Board of Registered
5 Nursing in Case No. 2005-163, and imposing the disciplinary order that was stayed thereby
6 revoking Registered Nurse License No. 335274, issued to Linda L. Sloan, also known as
7 Linda Deming;

8 2. Revoking or suspending Registered Nurse License No. 335274, issued to
9 Linda L. Sloan, also known as Linda Deming; and,

10 3. Taking such other and further action as deemed necessary and proper.

11
12 DATED: 11/27/07

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14 
15 RUTH ANN TERRY, M.P.H., R.N.
16 Executive Officer
17 Board of Registered Nursing
18 Department of Consumer Affairs
19 State of California
20 Complainant

21 03579110-SA2007302097
22 SloanPetRev.wpd
23 bfc [8/2/07]
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Exhibit A

Decision and Order

Board of Registered Nursing Case No. 2005-163

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

LINDA A. SLOAN
8030 Rush River Drive #315
Sacramento, CA 95831

Registered Nurse License No. 335274

Respondent

Case No. 2005-163

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on March 24, 2006.

IT IS SO ORDERED February 23, 2006.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 BILL LOCKYER, Attorney General
2 of the State of California
3 JANA L. TUTON, State Bar No. 78206
4 Deputy Attorney General
5 California Department of Justice
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9 Telephone: (916) 324-5342
10 Facsimile: (916) 327-8643

11 Attorneys for Complainant

12 **BEFORE THE**
13 **BOARD OF REGISTERED NURSING**
14 **DEPARTMENT OF CONSUMER AFFAIRS**
15 **STATE OF CALIFORNIA**

16 In the Matter of the Accusation Against:

17 LINDA A. SLOAN
18 455 Capitol Mall, Suite 410
19 Sacramento, CA 95814

20 Registered Nurse No. 335274

21 Respondent.

22 Case No. 2005-163

23 OAH No. N2005080657

24 **STIPULATED SETTLEMENT AND**
25 **DISCIPLINARY ORDER**

26 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
27 above-entitled proceedings that the following matters are true:

28 PARTIES

1. Ruth Ann Terry, M.P.H., R.N., Executive Officer (Complainant) is the
Executive Officer of the Board of Registered Nursing. She brought this action solely in her
official capacity and is represented in this matter by Bill Lockyer, Attorney General of the State
of California, by Jana L. Tuton, Deputy Attorney General.

2. Respondent Linda A. Sloan (Respondent) is represented in this proceeding
by attorney Ronald E. Kaldor, Esq., whose address is 455 Capitol Mall, Suite 410
Sacramento, CA 95814

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3. On or about September 30, 1981, the Board of Registered Nursing issued Registered Nurse License No. 335274 to Linda A. Sloan (Respondent). The license will expire on July 31, 2007, unless renewed.

JURISDICTION

4. Accusation No. 2005-163 was filed before the Board of Registered Nursing (Board) , Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 16, 2005. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2005-163 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2005-163. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2005-163.

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1 9. Respondent agrees that her Registered Nurse license is subject to
2 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the
3 Disciplinary Order below.

4 RESERVATION

5 10. The admissions made by Respondent herein are only for the purposes of
6 this proceeding, or any other proceedings in which the Board of Registered Nursing or other
7 professional licensing agency is involved, and shall not be admissible in any other criminal or
8 civil proceeding.

9 CONTINGENCY

10 11. This stipulation shall be subject to approval by the Board of Registered
11 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
12 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
13 and settlement, without notice to or participation by Respondent or her counsel. By signing the
14 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek
15 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
16 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
17 Order shall be of no force or effect, except for this paragraph. The Stipulation shall be
18 inadmissible in any legal action between the parties, and the Board shall not be disqualified from
19 further action by having considered this matter.

20 12. The parties understand and agree that facsimile copies of this Stipulated
21 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
22 force and effect as the originals.

23 13. In consideration of the foregoing admissions and stipulations, the parties
24 agree that the Board may, without further notice or formal proceeding, issue and enter the
25 following Disciplinary Order:

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1 3. **Report in Person.** Respondent, during the period of probation, shall
2 appear in person at interviews/meetings as directed by the Board or its designated
3 representatives.

4 4. **Residency, Practice, or Licensure Outside of State.** Periods of
5 residency or practice as a registered nurse outside of California shall not apply toward a reduction
6 of this probation time period. Respondent's probation is tolled, if and when she resides outside
7 of California. Respondent must provide written notice to the Board within 15 days of any change
8 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
9 returning to practice in this state.

10 Respondent shall provide a list of all states and territories where she has ever been
11 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
12 provide information regarding the status of each license and any changes in such license status
13 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
14 new nursing license during the term of probation.

15 5. **Submit Written Reports.** Respondent, during the period of probation,
16 shall submit or cause to be submitted such written reports/declarations and verification of actions
17 under penalty of perjury, as required by the Board. These reports/declarations shall contain
18 statements relative to Respondent's compliance with all the conditions of the Board's Probation
19 Program. Respondent shall immediately execute all release of information forms as may be
20 required by the Board or its representatives.

21 Respondent shall provide a copy of this Decision to the nursing regulatory agency
22 in every state and territory in which she has a registered nurse license.

23 6. **Function as a Registered Nurse.** Respondent, during the period of
24 probation, shall engage in the practice of registered nursing in California for a minimum of 24
25 hours per week for 6 consecutive months or as determined by the Board.

26 For purposes of compliance with the section, "engage in the practice of registered
27 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
28 work in any non-direct patient care position that requires licensure as a registered nurse.

1 The Board may require that advanced practice nurses engage in advanced practice
2 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
3 Board.

4 If Respondent has not complied with this condition during the probationary term,
5 and Respondent has presented sufficient documentation of her good faith efforts to comply with
6 this condition, and if no other conditions have been violated, the Board, in its discretion, may
7 grant an extension of Respondent's probation period up to one year without further hearing in
8 order to comply with this condition. During the one year extension, all original conditions of
9 probation shall apply.

10 **7. Employment Approval and Reporting Requirements.** Respondent
11 shall obtain prior approval from the Board before commencing or continuing any employment,
12 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
13 performance evaluations and other employment related reports as a registered nurse upon request
14 of the Board.

15 Respondent shall provide a copy of this Decision to her employer and immediate
16 supervisors prior to commencement of any nursing or other health care related employment.

17 In addition to the above, Respondent shall notify the Board in writing within
18 seventy-two (72) hours after she obtains any nursing or other health care related employment.
19 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
20 terminated or separated, regardless of cause, from any nursing, or other health care related
21 employment with a full explanation of the circumstances surrounding the termination or
22 separation.

23 **8. Supervision.** Respondent shall obtain prior approval from the Board
24 regarding Respondent's level of supervision and/or collaboration before commencing or
25 continuing any employment as a registered nurse, or education and training that includes patient
26 care.

27 Respondent shall practice only under the direct supervision of a registered nurse
28 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative

1 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
2 are approved.

3 Respondent's level of supervision and/or collaboration may include, but is not
4 limited to the following:

5 (a) Maximum - The individual providing supervision and/or collaboration is
6 present in the patient care area or in any other work setting at all times.

7 (b) Moderate - The individual providing supervision and/or collaboration is in
8 the patient care unit or in any other work setting at least half the hours Respondent works.

9 (c) Minimum - The individual providing supervision and/or collaboration has
10 person-to-person communication with Respondent at least twice during each shift worked.

11 (d) Home Health Care - If Respondent is approved to work in the home health
12 care setting, the individual providing supervision and/or collaboration shall have person-to-
13 person communication with Respondent as required by the Board each work day. Respondent
14 shall maintain telephone or other telecommunication contact with the individual providing
15 supervision and/or collaboration as required by the Board during each work day. The individual
16 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
17 site visits to patients' homes visited by Respondent with or without Respondent present.

18 9. **Employment Limitations.** Respondent shall not work for a nurse's
19 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
20 traveling nurse, or for an in-house nursing pool.

21 Respondent shall not work for a licensed home health agency as a visiting nurse
22 unless the registered nursing supervision and other protections for home visits have been
23 approved by the Board. Respondent shall not work in any other registered nursing occupation
24 where home visits are required.

25 Respondent shall not work in any health care setting as a supervisor of registered
26 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
27 nurses and/or unlicensed assistive personnel on a case-by-case basis.

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1 Respondent shall not work as a faculty member in an approved school of nursing
2 or as an instructor in a Board approved continuing education program.

3 Respondent shall work only on a regularly assigned, identified and predetermined
4 worksite(s) and shall not work in a float capacity.

5 If Respondent is working or intends to work in excess of 40 hours per week, the
6 Board may request documentation to determine whether there should be restrictions on the hours
7 of work.

8 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
9 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
10 than six months prior to the end of her probationary term.

11 Respondent shall obtain prior approval from the Board before enrolling in the
12 course(s). Respondent shall submit to the Board the original transcripts or certificates of
13 completion for the above required course(s). The Board shall return the original documents to
14 Respondent after photocopying them for its records.

15 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
16 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
17 amount of \$5,000.00. Respondent shall be permitted to pay these costs in a payment plan
18 approved by the Board, with payments to be completed no later than three months prior to the
19 end of the probation term.

20 If Respondent has not complied with this condition during the probationary term,
21 and Respondent has presented sufficient documentation of her good faith efforts to comply with
22 this condition, and if no other conditions have been violated, the Board, in its discretion, may
23 grant an extension of Respondent's probation period up to one year without further hearing in
24 order to comply with this condition. During the one year extension, all original conditions of
25 probation will apply.

26 12. **Violation of Probation.** If Respondent violates the conditions of her
27 probation, the Board after giving Respondent notice and an opportunity to be heard, may set

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1 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
2 license.

3 If during the period of probation, an accusation or petition to revoke probation has
4 been filed against Respondent's license or the Attorney General's Office has been requested to
5 prepare an accusation or petition to revoke probation against Respondent's license, the
6 probationary period shall automatically be extended and shall not expire until the accusation or
7 petition has been acted upon by the Board.

8 13. **License Surrender.** During Respondent's term of probation, if she ceases
9 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
10 probation, Respondent may surrender her license to the Board. The Board reserves the right to
11 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
12 take any other action deemed appropriate and reasonable under the circumstances, without
13 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
14 will no longer be subject to the conditions of probation.

15 Surrender of Respondent's license shall be considered a disciplinary action and
16 shall become a part of Respondent's license history with the Board. A registered nurse whose
17 license has been surrendered may petition the Board for reinstatement no sooner than the
18 following minimum periods from the effective date of the disciplinary decision:

19 (1) Two years for reinstatement of a license that was surrendered for any
20 reason other than a mental or physical illness; or

21 (2) One year for a license surrendered for a mental or physical illness.

22 14. **Physical Examination.** Within 45 days of the effective date of this
23 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
24 physician assistant, who is approved by the Board before the assessment is performed, submit an
25 assessment of the Respondent's physical condition and capability to perform the duties of a
26 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
27 medically determined, a recommended treatment program will be instituted and followed by the

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1 Respondent with the physician, nurse practitioner, or physician assistant providing written
2 reports to the Board on forms provided by the Board.

3 If Respondent is determined to be unable to practice safely as a registered nurse,
4 the licensed physician, nurse practitioner, or physician assistant making this determination shall
5 immediately notify the Board and Respondent by telephone, and the Board shall request that the
6 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
7 shall immediately cease practice and shall not resume practice until notified by the Board.
8 During this period of suspension, Respondent shall not engage in any practice for which a license
9 issued by the Board is required until the Board has notified Respondent that a medical
10 determination permits Respondent to resume practice. This period of suspension will not apply
11 to the reduction of this probationary time period.

12 If Respondent fails to have the above assessment submitted to the Board within
13 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
14 practice until notified by the Board. This period of suspension will not apply to the reduction of
15 this probationary time period. The Board may waive or postpone this suspension only if
16 significant, documented evidence of mitigation is provided. Such evidence must establish good
17 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
18 provided. Only one such waiver or extension may be permitted.

19 **15. Participate in Treatment/Rehabilitation Program for Chemical**
20 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
21 period or shall have successfully completed prior to commencement of probation a Board-
22 approved treatment/rehabilitation program of at least six months duration. As required, reports
23 shall be submitted by the program on forms provided by the Board. If Respondent has not
24 completed a Board-approved treatment/rehabilitation program prior to commencement of
25 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
26 a program. If a program is not successfully completed within the first nine months of probation,
27 the Board shall consider Respondent in violation of probation.

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1 Based on Board recommendation, each week Respondent shall be required to
2 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
3 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
4 by the Board. If a nurse support group is not available, an additional 12-step meeting or
5 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
6 such attendance to the Board during the entire period of probation. Respondent shall continue
7 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
8 mental health examiner and/or other ongoing recovery groups.

9 **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
10 shall completely abstain from the possession, injection or consumption by any route of all
11 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when
12 the same are ordered by a health care professional legally authorized to do so as part of
13 documented medical treatment. Respondent shall have sent to the Board, in writing and within
14 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
15 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the
16 medication will no longer be required, and the effect on the recovery plan, if appropriate.

17 Respondent shall identify for the Board a single physician, nurse practitioner or
18 physician assistant who shall be aware of Respondent's history of substance abuse and will
19 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
20 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
21 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
22 condition. If any substances considered addictive have been prescribed, the report shall identify a
23 program for the time limited use of any such substances.

24 The Board may require the single coordinating physician, nurse practitioner, or
25 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
26 addictive medicine.

27 **17. Submit to Tests and Samples.** Respondent, at her expense, shall
28 participate in a random, biological fluid testing or a drug screening program which the Board

1 approves. The length of time and frequency will be subject to approval by the Board.

2 Respondent is responsible for keeping the Board informed of Respondent's current telephone
3 number at all times. Respondent shall also ensure that messages may be left at the telephone
4 number when she is not available and ensure that reports are submitted directly by the testing
5 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
6 to the Board by the program and Respondent shall be considered in violation of probation.

7 In addition, Respondent, at any time during the period of probation, shall fully
8 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
9 tests and samples as the Board or its representatives may require for the detection of alcohol,
10 narcotics, hypnotics, dangerous drugs, or other controlled substances.

11 If Respondent has a positive drug screen for any substance not legally authorized
12 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
13 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
14 from practice pending the final decision on the petition to revoke probation or the accusation.
15 This period of suspension will not apply to the reduction of this probationary time period.

16 If Respondent fails to participate in a random, biological fluid testing or drug
17 screening program within the specified time frame, Respondent shall immediately cease practice
18 and shall not resume practice until notified by the Board. After taking into account documented
19 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
20 Board may suspend Respondent from practice pending the final decision on the petition to
21 revoke probation or the accusation. This period of suspension will not apply to the reduction of
22 this probationary time period.

23 18. **Mental Health Examination.** Respondent shall, within 45 days of the
24 effective date of this Decision, have a mental health examination including psychological testing
25 as appropriate to determine her capability to perform the duties of a registered nurse. The
26 examination will be performed by a psychiatrist, psychologist or other licensed mental health
27 practitioner approved by the Board. The examining mental health practitioner will submit a
28 written report of that assessment and recommendations to the Board. All costs are the

1 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
2 result of the mental health examination will be instituted and followed by Respondent.

3 If Respondent is determined to be unable to practice safely as a registered nurse,
4 the licensed mental health care practitioner making this determination shall immediately notify
5 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
6 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
7 practice and may not resume practice until notified by the Board. During this period of
8 suspension, Respondent shall not engage in any practice for which a license issued by the Board
9 is required, until the Board has notified Respondent that a mental health determination permits
10 Respondent to resume practice. This period of suspension will not apply to the reduction of this
11 probationary time period.

12 If Respondent fails to have the above assessment submitted to the Board within
13 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
14 practice until notified by the Board. This period of suspension will not apply to the reduction of
15 this probationary time period. The Board may waive or postpone this suspension only if
16 significant, documented evidence of mitigation is provided. Such evidence must establish good
17 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
18 provided. Only one such waiver or extension may be permitted.

19 **19. Therapy or Counseling Program.** Respondent, at her expense, shall
20 participate in an on-going counseling program until such time as the Board releases her from this
21 requirement and only upon the recommendation of the counselor. Written progress reports from
22 the counselor will be required at various intervals.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Ronald E. Kaldor, Esq.. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 10-28-05


LINDA A. SLOAN (Respondent)
Respondent

I have read and fully discussed with Respondent Linda A. Sloan the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 10/28/05


RONALD E. KALDOR, ESQ.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 11-4-05

BILL LOCKYER, Attorney General
of the State of California



JANA L. TUTON
Deputy Attorney General
Attorneys for Complainant

Exhibit A
Accusation No. 2005-163

1 BILL LOCKYER, Attorney General
of the State of California
2 JANA L. TUTON, State Bar No. 78206
Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
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6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2005-143*

13 **LINDA L. SLOAN aka LINDA DEMING**
8030 Rush River Drive, #315
Sacramento, California 95831

A C C U S A T I O N

14 Registered Nurse License No. 335274

15 Respondent.

16
17 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the
20 Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

21 2. **License History**

22 On or about September 30, 1981, the Board of Registered Nursing issued
23 Registered Nurse License Number 335274 to LINDA L. SLOAN aka LINDA DEMING
24 ("Respondent"). The license was in full force and effect at all times relevant to the charges
25 brought herein and will expire on July 31, 2005, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
2 2750) of the Nursing Practice Act.

3 4. Code section 118, subdivision (b), provides that the
4 suspension/expiration/surrender/cancellation of a license shall not deprive the Board of
5 jurisdiction to proceed with a disciplinary action during the period within which the license may
6 be renewed, restored, reissued or reinstated.

7 5. Code section 2764 provides, in pertinent part, that the expiration of a
8 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
9 against the licensee or to render a decision imposing discipline on the license. Under Code
10 section 2811, subdivision (b), the Board may renew an expired license at any time within eight
11 years after the expiration.

12 6. Code section 2761 states, in pertinent part:

13 "The board may take disciplinary action against a certified or licensed nurse or
14 deny an application for a certificate or license for any of the following:

15 (a) Unprofessional conduct,"

16 7. Code section 2762 states, in pertinent part:

17 "In addition to other acts constituting unprofessional conduct within the meaning
18 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed
19 under this chapter to do any of the following:

20 (a) Obtain or possess in violation of law, or prescribe, or except as directed by a
21 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish
22 or administer to another, any controlled substance as defined in Division 10 (commencing with
23 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
24 defined in Section 4022.

25 (b) Use any controlled substance as defined in Division 10 (commencing with
26 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
27 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
28 injurious to himself or herself, any other person, or the public or the extent that such use impairs

1 his or her ability to conduct with safety to the public the practice authorized by his or her
2 license."

3 8. Code section 4060 states, in pertinent part:

4 "No person shall possess any controlled substance, except that furnished to a
5 person upon the prescription of a physician, dentist, . . . or furnished pursuant to a drug order...."

6 9. Health and Safety Code section 11173, subdivision (a), provides that no
7 person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure
8 the administration of or prescription for controlled substances, (1) by fraud, deceit,
9 misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

10 10. Code section 125.3 provides, in pertinent part, that the Board may request
11 the administrative law judge to direct a licentiate found to have committed a violation or
12 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
13 and enforcement of the case.

14 11. Drug

15 Morphine (MS) is a Schedule II controlled substance as designed by Health and
16 Safety Code section 11055, subdivision (b)(1)(M).

17 **FIRST CAUSE FOR DISCIPLINE**

18 **(Obtained, Possessed, and Self-Administered a Controlled Substance)**

19 **(Mark Twain St. Joseph's Hospital 1995-1996)**

20 12. Respondent is subject to disciplinary action under Code section 2761,
21 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
22 subdivision (a), in that in or about 1995 through approximately June 1996, while on duty as a
23 registered nurse at Mark Twain St. Joseph's Hospital in San Andreas, California, Respondent
24 committed the following acts:

25 a. Respondent obtained unknown quantities of Morphine, a controlled
26 substance, by fraud, deceit, misrepresentation or subterfuge by obtaining the drug from hospital
27 supplies for her own personal use, in violation of Health and Safety Code section 11173,
28 subdivision (a).

1 b. Respondent possessed Morphine, a controlled substance, in violation of
2 Code section 4060, without a valid prescription.

3 c. Respondent self-administered unknown quantities of Morphine, a
4 controlled substance.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Obtained a Controlled Substance)**

7 **(Valley Springs Ambulance 1997).**

8 13. Respondent is subject to disciplinary action under Code section 2761,
9 subdivision (a), on the grounds of unprofessional conduct as defined in Code section 2762,
10 subdivision (a), in that on or about August 25, 1997, while on duty with Valley Springs
11 Ambulance in Valley Springs, California, as an on-board registered nurse and transporting an
12 acute patient to Mark Twain St. Joseph's Hospital in San Andreas, California, Respondent
13 entered the emergency room and committed the following act:

14 a. Respondent obtained a syringe of Morphine, a controlled substance, by
15 fraud, deceit, misrepresentation, or subterfuge by taking the syringe of drug for her own personal
16 use, in violation of Health and Safety Code section 11173, subdivision (a).

17 b. Respondent possessed Morphine, a controlled substance, in violation of
18 Code section 4060, without a valid prescription.

19 c. Respondent self-administered an unknown quantity of Morphine, a
20 controlled substance.

21 **PRAYER**

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein
23 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

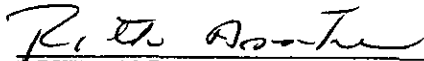
24 1. Revoking or suspending Registered Nurse License Number 335274 issued
25 to Linda L. Sloan aka Linda Deming;

26 2. Ordering Linda L. Sloan aka Linda Deming to pay the Board of Registered
27 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code
28 section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 3/1/05


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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